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IN THE COURT OF APPEALS OF INDIANA

ANDREW BRIAN STEEN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 48A05-0512-PC-735
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MADISON SUPERIOR COURT
The Honorable Dennis D. Carroll, Judge
Cause Nos. 48D01-0002-FC-802 and 48D01-0210-FB-503

September 29, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Andrew Brian Steen appeals the denial of his petition for post-conviction relief. He raises a number of issues, which we reorganize and restate as:

1. Whether the trial court erred by accepting his guilty pleas because he claimed he was innocent at the same time he pled guilty; and

2. Whether trial counsel provided ineffective assistance.

Steen's assertions of innocence came after he pled guilty, so the trial court did not err by accepting his pleas. Nor did the court err in finding Steen did not demonstrate counsel was ineffective. Therefore, we affirm.

FACTS AND PROCEDURAL HISTORY

Steen was ordered to pay support for his child A.S., born January 18, 1991. Between May of 1991 and December of 1999, Steen failed to provide support for A.S. His child support arrearage totaled over $12,000.00. On February 15, 2002, Steen was charged with non-support of a dependent child, a Class C felony.

On October 1, 2002, Steen and three friends decided to burglarize Jason Brown's home. Steen drove them to and from Brown's house. At least two of them entered Brown's house, and all of them were involved in taking the property and putting it in Steen's car. Steen pawned some of the property for cash. On October 25, 2002, Steen was charged with burglary as a Class B felony and theft as a Class D felony.

Steen pled guilty as charged on April 29, 2003, and the State agreed not to file forgery and habitual offender charges against Steen. Steen was sentenced to six years on the non-support charge, two years on the theft charge, and eighteen years with four suspended on the burglary charge. All the sentences were to be served concurrently for

an aggregate fourteen-year executed sentence. He filed a Petition for Post-Conviction Relief, which was denied.

DISCUSSION AND DECISION

Post-conviction proceedings are not "super appeals" through which convicted persons can raise issues they failed to raise at trial or on direct appeal. *McCary v. State*, 761 N.E.2d 389, 391 (Ind. 2002), *reh'g denied*. Rather, post-conviction proceedings afford petitioners a limited opportunity to raise issues that were unavailable or unknown at trial and on direct appeal. *Davidson v. State*, 763 N.E.2d 441, 443 (Ind. 2002), *reh'g denied*, *cert denied* 537 U.S. 1122 (2003); *see also* Ind. Post-Conviction Rule 1(1)(a). Post-conviction proceedings are civil in nature, and petitioners bear the burden of proving their grounds for relief by a preponderance of the evidence. P-C.R. 1(5).

When a petitioner appeals the denial of post-conviction relief, he appeals from a negative judgment. *Davidson*, 763 N.E.2d at 443. Consequently, we may not reverse unless the petitioner demonstrates the evidence "as a whole leads unerringly and unmistakably to a decision opposite that reached by the post-conviction court." *Id.* We accept the post-conviction court's findings of fact unless they are clearly erroneous, but we do not have to give deference to its conclusions of law. *Id.* at 443-44. On appeal, we may not reweigh the evidence or reassess the credibility of the witnesses. *Id.* at 444.

1. Proper Acceptance of Guilty Plea

A trial court "cannot accept a guilty plea from a defendant who pleads guilty and maintains his innocence at the same time." *Johnson v. State*, 734 N.E.2d 242, 245 (Ind. 2000). Steen argues he did not admit at the guilty plea hearing all the elements of

burglary and he offered affirmative defenses to his charge of non-support of a dependent. As a result, he contends he pled guilty while maintaining his innocence and the trial court erred by accepting his pleas.

A. Burglary

At the guilty plea hearing, the following exchange took place:

> STATE: If this case had been tried, the State would have proven that on or about October 1, 2002, at a location in Madison County, State of Indiana, specifically at 1808 Fairlawn Way, Anderson, Indiana, the Defendant, Andrew Brian Steen broke and entered the dwelling of an individual by the name of Jason Brown with the intent to commit the felony of Theft inside. In fact, once inside did exercise control over the property of Mr. Brown. Specifically some movies and/or a shotgun belonging to Jason Brown, in an attempt to deprive him of the value or use of that property. This Burglary and Theft took place along with three other individuals. Brian Panchero, Angela Thomas and Michelle Polly. The four people, including the defendant, had a discussion about Mr. Brown and the property that he might have at that address. Mr. Panchero and Angela Thomas knew Mr. Brown fairly well and knew him to have some property there and I think it's fair to say that it was kind of their idea that was hatched to commit this burglary. Mr. Steen learned about the property and agreed to participate in that with them. Mr. Steen took, I believe, it was a girlfriend (indiscernible) vehicle and drove the four of these people to Mr. Brown's house. Entry was made to the house by one of the four by breaking out a window and opening the door to let the other people in. Mr. Steen participated in taking some of Mr. Brown's property out of the residence and putting it into the vehicle and the four of them left with the property. And Mr. Steen later was in possession of some of the stolen property. He took some of it to a pawn shop, uh, EZ Pawn located in Edgewood or on the Westside of Anderson and pawned it under the assumed name of Herbert Gray. He received some cash in exchange for that. Some of the other property, specifically I believe, the weapon that was taken, the shotgun, was taken to an individual somewhere within Anderson and the weapon was

traded for either a quantity of cash or some cash and cocaine, which Mr. Steen shared in part of the proceeds of that exchange of the shotgun. And all four individuals who were involved in this transaction had discussion and were aware of the purpose for which they went to the Fairlawn Way address and all participated in some way with taking property out of there or putting it into the car. And all of this happened in Madison County, State of Indiana.

COURT: Mr. Steen, let's take a moment and talk about [the] summary of the burglary and theft from last October 1st. As you listened, would you say that this is an accurate summary of the events as they took place on that date?

STEEN: Yes sir.

* * * * *

COURT: How did you get to Mr. Brown's house?

STEEN: I drove.

* * * * *

COURT: Did all of you go into his home or just some of you?

STEEN: Some of us.

COURT: Who went into the home?

STEEN: Actually Angela Thomas and Brian Panchero actually went into the house.

COURT: Okay. The rest of you participated in various ways with the burglary that you'd planned?

STEEN: Yes sir.

* * * * *

COURT: Alright. At this time, Mr. Steen, how do you plead on the Burglary charge, B Felony. Guilty or not guilty?

STEEN: Guilty.

(App. at 30-33.)

Steen contends that because he never entered the house, he admitted being guilty of only conspiracy to commit burglary, which was not charged. He did admit, however, to driving his friends to Brown's house, to helping carry property to the car, to pawning some property, and to taking money in exchange for that property. His factual admissions are sufficient to show he was guilty as an accomplice to the burglary.

Accomplice liability is not a separate crime; it is simply a separate basis or theory of liability for the charged crime. *Taylor v. State*, 840 N.E.2d 324, 333 (Ind. 2006).

Steen then notes his testimony at the post -conviction hearing and the sentencing hearing, and his statement to the probation officer who completed the pre-sentence investigation, that he had taken the other people to Brown's home only to retrieve their own possessions. He said he only later learned they had taken Brown's possessions. He argues this eliminates any accomplice liability, as he did not know any criminal activity had occurred until afterwards. It does not. "A trial court may . . . accept a guilty plea from a defendant who pleads guilty in open court, but later protests his innocence." *Johnson*, 734 N.E.2d at 245. That is exactly what Steen is attempting to do. His subsequent denial of involvement or knowledge does not invalidate his guilty plea to burglary. *Id.* at 246.

B. Non-Support of a Dependent

With respect to the charge of non-support of a dependent, the following exchange took place at the guilty plea hearing:

> STATE: [T]he State would have proven that on or between the dates of May 29, 1991, and December 31st of 1999, in Madison County, Indiana, [Steen] knowingly failed to provide support to a dependent child [A.S.] who was born on January 18, 1991. And this happened at a time when Mr. Steen had an unpaid support arrearage in excess of Ten Thousand Dollars. In fact, during that year of 1999 it rose to Twelve Thousand uh, well, it's actually worded two ways in the Information, Your Honor, and it's actually uh, spelled out in words it's Twelve Thousand One Hundred and Fifty and written numerically it's Twelve Thousand Five Hundred. For the purpose of today's record I would just lay the basis that it was in excess of Twelve Thousand One Hundred and Fifty

Dollars. And this uh, the child [A.S.] was born to Mr. Steen and mother, Mary Mitchell, on January 18, 1991. The couple was never married but a paternity action was filed and paternity was established by Superior Court 2 in Madison County on May 29, 1991. And on that same date a support order of Twenty-Five Dollars per week was entered. Over the ensuing years of the child's development Mr. Steen did not provide directly the support for the needs of the child in terms of food, clothing, medical supplies and shelter and he also did not provide cash as a (indiscernible) for the physical needs of the child. And Mr. Steen acknowledged that he was an able bodied individual who was able to provide for himself and able to secure gainful employment during the bulk of that time but simply failed to provide for financial or physical needs of the child. And all of this happened in Madison County, State of Indiana.

COURT: You uh, heard the prosecutor's summary about this criminal non-support case Mr. Steen. Once again, has he provided us with accurate information?

YELTON:[1] Your Honor, may I ask him a couple of questions? . . . Andrew, it's true and it's going to come out on your pre-sentence report that during a substantial period of that time you were incarcerated, is that correct?

STEEN: Yes sir.

YELTON: But during times that you were not incarcerated, uh, I've explained to you the status of the law, there were times when you were not incarcerated and you still did not pay the support as ordered, is that correct?

STEEN: Yes sir.

* * * * *

YELTON: But there was time there that you were able to work and in fact did work, but the support payments weren't forthcoming, is that right?

STEEN: Yes sir.

COURT: Between what [the State] had to say and what Mr. Yelton just told us, do we have an accurate summary supported by the facts?

STEEN: Yes sir.

* * * * *

[1] Steen's defense counsel was Geoffrey Yelton.

COURT: [I]s the support obligation still Twenty-Five Dollars a week or has it been changed?

STEEN: No sir. There's no current order for support. Uh, once she got off of welfare and she has gotten (sic) a job and she started working, I was still incarcerated at the time and by the time I had gotten out I let her know I was out, uh, and she informed me she was no longer on welfare and I uh, I just gave her money whenever I could. She would call me and I helped her out whenever I could. Uh, so our understanding was that there was no…

COURT: Specific order?

STEEN: Right. And then…

COURT: You understand that under the law you have an obligation to support your children whether or not you have a specific order or not?

STEEN: Right. Right. And, uh, and, uh, the specific order, I guess, was an agreement between us that if she needed something to let me know or I would do whatever I can whenever I could and if she needed something in the meantime to let me know. And when the thing came out about the child support she found out that there was still a [sic] order for the Twenty-Five Dollars a week on me and it was still going on, she went up and let them stop the custodial parent order. So, as of well, I forgot what month. Sometime either in '99 or early part of 2000 uh, there was no current order for support from me anymore, [sic] It had stopped adding up on me.

* * * * *

COURT: Are you here to acknowledge that [the total] is something over Twelve Thousand Dollars?

STEEN: Yeah, altogether I think it is. It was in part owed to the custodial parent and part owed to the State. I think the combined amount may have been about that much.

(App. at 34-38.)

Steen characterizes his statements to the trial court that he had been incarcerated during part of the time and that he had tried to pay the mother whatever he could as indications he was maintaining his innocence while he was pleading guilty. However, Steen acknowledged at the guilty plea hearing that he understood that he was still

obligated to support A.S. during those periods he was not incarcerated, and he owed either A.S.'s mother or the State over $12,000.00. His comments about paying A.S.'s mother what he could when he could must therefore be interpreted as comments about the specific order of child support, not as an assertion he had paid the support. Steen admitted during his guilty plea hearing to the elements of non-support of a dependent and did not explicitly maintain his innocence. *See Johnson*, 734 N.E.2d at 245.

2. Ineffective Assistance of Counsel

We review ineffective assistance of trial counsel claims under the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984), *reh'g denied*. *Wentz v. State*, 766 N.E.2d 351, 360 (Ind. 2002), *reh'g denied*. First, the petitioner must demonstrate counsel's performance was "deficient" because it fell below an objective standard of reasonableness and denied the petitioner the right to counsel guaranteed by the Sixth Amendment to the United States Constitution. *Smith v. State*, 765 N.E.2d 578, 585 (Ind. 2002), *reh'g denied*. Second, the petitioner must demonstrate he was prejudiced by his counsel's deficient performance. *Wentz*, 766 N.E.2d at 360. To demonstrate prejudice, a petitioner must demonstrate a reasonable probability that the result of his trial would have been different had counsel not made the errors. *Id.* A probability is reasonable if our confidence in the outcome has been undermined. *Id.*

We presume counsel provided adequate assistance, and we give deference to counsel's choice of strategy and tactics. *Smith*, 765 N.E.2d at 585. "Isolated mistakes, poor strategy, inexperience, and instances of bad judgment do not necessarily render representation ineffective." *Id.* If we may easily dismiss an ineffective assistance claim

based on the prejudice prong, we need not address whether counsel's performance was deficient. *Wentz*, 766 N.E.2d at 360. However, "there are occasions when it is appropriate to resolve a post-conviction case by a straightforward assessment of whether the lawyer performed within the wide range of competent effort that *Strickland* contemplates." *Grinstead v. State*, 845 N.E.2d 1027, 1031 (Ind. 2006).

A. Failure to File Motion to Withdraw Guilty Plea

Steen argues his trial counsel should have filed a motion to withdraw his guilty plea in light of his statements of innocence to the probation officer during the pre-sentence investigation. As noted before, however, a trial court may accept a plea from a defendant who pleads guilty in open court, but later protests his innocence. *Johnson*, 734 N.E.2d at 245. That is the situation in which Steen placed the trial court. The court would have been well within its discretion to deny his motion had it been filed. *See Smallwood v. State*, 773 N.E.2d 259, 264 (Ind. 2002). Steen accordingly cannot demonstrate the motion would have been granted, and thus was not prejudiced by counsel's failure to file a motion to withdraw his guilty pleas. *See Wales v. State*, 768 N.E.2d 513, 523 (Ind. Ct. App. 2002) (no prejudice where defendant cannot show trial court would have granted a motion to suppress if it had been filed), *reh'g granted on other grounds* 774 N.E.2d 116 (Ind. Ct. App. 2002), *trans. denied* 783 N.E.2d 703 (Ind. 2002). Accordingly, he has not demonstrated counsel's assistance was ineffective.

B. Failure to Pursue Affirmative Defenses

Steen argues counsel failed to pursue two affirmative defenses that were available to him in the non-support action: first, that he was incarcerated for much of the time

while the arrearage accumulated; and second, that he provided direct support to A.S.'s mother. He contends that had his trial attorney advanced these two defenses, he could have prevailed at a jury trial and would not have been led to plead guilty.

Steen did not present testimony from his trial counsel at the post-conviction hearing. Therefore, we need not presume, as Steen requests, that his counsel did not investigate these defenses. *See Dickson v. State*, 533 N.E.2d 586, 589 (Ind. 1989) (holding that where the "appellant at the post-conviction hearing failed to procure the testimony of trial counsel," the court "may infer that trial counsel would not have corroborated appellant's allegations"). As we noted in our standard of review for ineffective assistance claims, we presume counsel provided adequate assistance, and we give deference to counsel's choice of strategy and tactics. *Smith*, 765 N.E.2d at 585.

As for the merits of his alleged defenses, Steen's incarceration for much of the time the arrearage accumulated would not have prevented his conviction of non-support as a Class C felony. *See Cooper v. State*, 760 N.E.2d 660, 665 (Ind. Ct. App. 2001) (incarceration is not an absolute bar to a conviction for non-support of a dependent as a Class C felony), *trans. denied* 774 N.E.2d 511 (Ind. 2002). Nor does his claim his trial counsel did not inform him of this possible defense demonstrate counsel did not, in fact, discuss this information with him. Because Steen failed to procure the testimony of his defense counsel, we may infer counsel would not have supported Steen's claim. *See Dickson*, 533 N.E.2d at 589.

For direct payments to A.S.'s mother to serve as an affirmative defense to non-support, those payments must have been more than "token" or "minimal" support.

Grimes v. State, 693 N.E.2d 1361, 1363 (Ind. Ct. App. 1998). The support must be "substantial" in order to preclude criminal liability. *Geans v. State*, 623 N.E.2d 435, 437-389 (Ind. Ct. App. 1993).

Steen was charged with failure to support the child between 1991 and 1999. At his guilty plea hearing Steen stated he was incarcerated for "a substantial period of that time" (Appellant's App. at 35) but after he was released from prison in 1996 he "gave [the mother] money whenever I could." (*Id.* at 37.) At his post-conviction hearing, Steen called A.S.'s mother, who testified Steen provided food or clothing to A.S. (P-C.R. Tr. at 6.) She testified that after Steen was released from jail, she told him he did not have to pay for A.S. anymore, but he continued to give her $30.00 a week. She did not indicate for how many weeks Steen made such payments.[2] We cannot say the PCR court erred to the extent it determined Steen had not proved he paid more than a "token amount of support." (Appellant's App. at 193.) As a result, we cannot say Steen could have proven at trial that he provided "substantial" support for A.S. *See Cooper v. State*, 760 N.E.2d 660, 667 (Ind. Ct. App. 2001), *trans. denied* 774 N.E.2d 511 (Ind. 2002). Because the decision whether to go to trial or plead guilty would have been a matter of strategy between Steen and his counsel, he has not demonstrated his counsel was ineffective for not insisting Steen proceed to trial.

[2] The amount of the child support order appears to have been $25.00 a week.

C. Habitual Offender and Forgery Charges

Steen argues counsel was ineffective for advising him the State could charge him with forgery and with being an habitual offender, as the Omnibus Date had passed on all his charges. Steen also contends a subsequent forgery charge would have arisen out of the same facts as the burglary and theft charges, and thus the State would be precluded from filing it. Moreover, he asserts, the State would have been precluded from filing the forgery charge because the State obtained the evidence supporting that charge based on his immunized testimony.

The State concedes it was precluded from filing an habitual offender charge as to the burglary charge, but argues it could have attached a habitual offender count to the non-support of a dependant charge. As to the forgery charge, the State contends that had Steen not pled guilty, the charges against him could have been amended to add a forgery count.

The State may file a late habitual offender charge on a showing of good cause. Ind. Code § 35-34-1-5(e). Good cause can be found where the State was engaged in plea negotiations with the defendant up through the deadline for filing the charge, but the negotiations ultimately proved unsuccessful. *See Johnican v. State*, 804 N.E.2d 211, 214-15 (Ind. Ct. App. 2004).

At the guilty plea hearing, Yelton told the trial court the State had threatened to file an habitual offender count with respect to the non-support of a dependent charge, and "since it had been raised as a bargaining chip it was therefore within the authority of the State of Indiana to file that . . . ." (App. at 49.) Yelton was correct. *See Johnican*, 804

N.E.2d at 215. The trial court could have accepted a late filing of an habitual offender charge, as it had been raised during the pendency of the negotiations as a bargaining chip. As a result, counsel was not ineffective to advise Steen the State could still file an habitual offender charge.[3]

With respect to the forgery charge, Steen did not call Yelton to testify at the post-conviction hearing regarding his advice. As explained above, we therefore may presume counsel would not have corroborated Steen's assertions. *See Dickson*, 533 N.E.2d at 589. The State could not have charged Steen with forgery after he was tried for burglary and theft, but it could have sought to amend the charging information on the morning of trial; Steen was aware of that possibility and it was being used as a bargaining chip during plea negotiations.[4]

Nor was the post-conviction court obliged to believe Steen's speculative assertion the State's only source of evidence regarding his forgery was Steen's immunized testimony and the State therefore could not have used that evidence against him to prove forgery. Steen did not carry his burden to prove this argument, which appears to be based solely on the sequence of Steen's immunized deposition, the State's search of E-Z Pawn, and the State's subpoenas of witnesses and evidence. Steen did not show the State had

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[3] Steen also argues "good cause" for filing after the omnibus date is defined differently for late habitual offender filings and for late alibi notices. This, he says, violates Article I, Section 23 of the Indiana Constitution because it provides preferential treatment to the State, when the State and the defendant are similarly situated. Steen was not denied the opportunity to file an alibi notice after the omnibus date, nor did the State receive permission to file an habitual offender charge after the omnibus date. Accordingly, we do not address this allegation of error.

[4] Granting the State's request may have led to a valid motion for a continuance by Steen, but the reality remains the State would have had the option of pursuing that additional charge. Therefore, if, in fact, counsel told Steen the State could file a forgery charge against him, that advice was not necessarily incorrect.

no evidence of Steen's pawning activity from any source other than Steen's own deposition. The State might be obliged at trial to prove such an alternate source, but in this post-conviction proceeding the burden to prove all claims rested on Steen.

Accordingly, Steen has not demonstrated his counsel was ineffective to the extent counsel told Steen the State could charge him with forgery.

D. Failure to Move to Dismiss Non-Support Charge

Steen argues counsel was ineffective for failing to move to dismiss the non-support charge under *State v. Land*, 688 N.E.2d 1307 (Ind. Ct. App. 1997), *trans. denied sub nom. State v. Land & Tutt*, 698 N.E.2d 1185 (Ind. 1998). He misreads *Land* and is incorrect about its implications.

In *Cooper*, 760 N.E.2d at 665-666, we discussed this situation as follows:

> [Land] was charged with nonsupport of a dependant child, as a Class C felony, for a time period beginning on July 1, 1996, the effective date of the amendment to Indiana Code Section 35-46-1-5(a) enhancing the offense to a Class C felony when support arrearage exceeds $10,000. The trial court found that the amended statute violated ex post facto principles when applied to the defendant, whose $10,000 arrearage accrued prior to the effective date of the amendment, and the court granted his motion to dismiss the charge. We disagreed and concluded that a defendant "may be properly charged with the Class C felony if the underlying act, i.e. failure to pay support, is alleged to have occurred after the enactment of the statute." *Id*. at 1311. We held that while the statute does not criminalize the failure to pay past due support, it does criminalize "the *present act* of failing to provide child support and enhances it if the amount due and owing at the time of the underlying act is in excess of $10,000." *Id*. (emphasis added).
>
> Here, Cooper was charged with failing to provide child support "on or between" November 1995 and July 2000, with an amount of unpaid support "due and owing" in excess of $10,000. Appellant's App. at 11. Following our holding in *Land*, Cooper is chargeable for the amount due and owing at the time of the underlying act, regardless of whether some of that arrearage accrued while he was incarcerated. While he may offer evidence of his incarceration as an affirmative defense, his incarceration is

> not an absolute bar to his conviction for nonsupport of a dependant child as a Class C felony. *See id*. Accordingly, the trial court properly entered judgment of conviction on the Class C felony.

(Footnote omitted.)

Steen's fact situation is similar. Steen was charged with the ongoing act of failing to pay child support from 1991 through 2000. Part of Steen's arrearage accumulated before 1996, but part accumulated after. As part of the failure to pay child support occurred after 1996, Steen would not have been entitled to dismissal of the non-support of a dependent charge. *See id.*; *Wiggins v. State*, 727 N.E.2d 1, 6 (Ind. Ct. App. 2000) (holding ex post facto prohibition not violated where portion of arrearage accumulated prior to 1996), *trans. denied* 735 N.E.2d 236 (Ind. 2000); *Land*, 688 N.E.2d at 1311 (reversing dismissal of charges because ex post facto clause not violated). Steen's counsel was not ineffective for failing to request such a dismissal.

E. Failure to File Motion to Suppress

Steen also argues counsel was ineffective for failing to file a motion to suppress evidence. Steen states in his post-conviction appellate brief that when police came to Michelle Polly's home, Steen answered the door and informed them the homeowner was not home and they should come back. According to Steen's appellate argument, the police entered the home unlawfully without permission. Steen directs us to nothing in the record to indicate police ever searched the Polly home or that any aspect of such a search was illegal. Steen gave a deposition before pleading guilty where he recounted the details of the burglary. He testified the police first contacted him about the burglary at Polly's home, but he did not indicate police searched the home. We accordingly cannot

say the post-conviction court erred in finding Steen failed to support his assertion his counsel should have moved to suppress an illegal search.[5]

CONCLUSION

Steen failed to prove trial counsel was ineffective or his pleas were improperly accepted.[6] Accordingly, we affirm the denial of his petition for post-conviction relief.

Affirmed.

BAKER, J., concurring.

SULLIVAN, J., concurring in result.

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[5] Steen suggests the post-conviction court erred in finding he failed to prove an illegal search because "this was again a situation in which Steen's trial counsel failed to even investigate a potential avenue of relief." (Appellant's Br. at 42.) Even if Steen's trial counsel failed to investigate his claim of improper police entry, Steen has provided no credible evidence that an illegal search occurred. Nor did Steen explain what evidence, if any, was gathered from Polly's home; Steen therefore has not demonstrated he was prejudiced by the failure to file a motion to suppress.

[6] Steen also asserts he entered his guilty pleas unknowingly and involuntarily. That assertion is based on the same underlying issues regarding the advice he received from counsel and the State's ability to file additional charges against him. Because those arguments fail on the merits, he has not demonstrated his pleas were involuntary or unknowing.